

REMARKS

Claims 1-9 and 11-20 are pending. Claims 1, 11, and 20 are amended. No new matter has been added as a result of these amendments.

Claim Rejections – 35 U.S.C. §103

Claims 1-3, 5-9, and 11-20 are rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Lindoerfer (US 2002/0069096), hereinafter "Lindoerfer," in view of Aram (US 2002/0072986), hereinafter "Aram," and further in view of Burnard (US 6,684,119), hereinafter "Burnard." Claim 4 is rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Lindoerfer, in view of Aram, further in view of Burnard, and further yet in view of Kureshy (US 2002/0152268), hereinafter "Kureshy."

Applicants respectfully assert that Claims 1-9 and 11-20 are patentable over the cited combination in view of the following.

Applicants respectfully point out that the Examiner has the burden of establishing a prima facie case of obviousness. To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim features. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be

found in the prior art, and not based on Applicant's disclosure. In *re* Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See MPEP 2100-126. Specifically, "all words in a claim must be considered when judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d., 1382 (CCPA 1970).

Moreover, in response to the recent U.S. Supreme Court decision in *KSR Int'l Co. v. Teleflex, Inc.* (U.S. 2007), new guidelines were set forth for examining obviousness under 35 U.S.C. 103. The U.S. Supreme Court reaffirmed the *Graham* factors and, while not totally rejecting the "teachings, suggestion, or motivation" test, the Court appears to now require higher scrutiny on the part of the U.S. Patent & Trademark Office. In accordance with the recently submitted guidelines, it is "now necessary to identify the reason" why a person of ordinary skill in the art would have combined the elements of cited references, or at least describe the pertinence of the elements set forth in the cited disclosure, in the manner presently claimed.

Applicants respectfully assert the combination of Lindoerfer, Aram, and Burnard fails to teach or suggest all the claimed elements of Claims 1, 11, and 20 in view of the following rationale.

Claim 1:

Amended Claim 1 recites in part:

automatically detecting individual real-time usage of parts on a product line with at least one parts consumption detector, wherein the detection occurs at the time of individual part usage;

automatically triggering by a processor a part pull request signal as a function of detected usage of individual parts by the at least one parts consumption detector, wherein the part pull request signal is triggered after detected usage of a predetermined number of individually detected parts (emphasis added).

Applicants respectfully assert that the combination of Lindoerfer, Aram, and Burnard does not teach or suggest "automatically detecting individual real-time usage of parts on a product line with at least one parts consumption detector, wherein the detection occurs at the time of individual part usage; [and] automatically triggering by a processor a part pull request signal...wherein the part pull request signal is triggered after detected usage of a predetermined number of individually detected parts," as claimed in amended Claim 1.

As understood by applicants, Lindoerfer discloses a secure Internet electronic commerce solution for buyers/manufacturers and respective vendors/suppliers. More particularly, various embodiments as disclosed by Lindoerfer provide tools that allow trading partners to collaboratively manage and optimize the execution of the supply chain management process. In particular, Lindoerfer teaches that one or more manufacturers send data describing material delivery requirements to a server. Suppliers then access the service machine to view and respond to the multiple manufacturer's requirements via a normalized business method with a normalized view of multiple manufacturer data and business requirements (Paragraph 0013). Data is received from manufacturers, suppliers and then normalized (converted into a standard data structure within the system). This data is then accessible and understandable by all users of the system, regardless of the data's original source (Paragraphs 0014-0019).

Lindoefer discloses that users have access to a product and/or service usage "Trend Analysis" screen for both historical and planned events (Paragraph 0213). The "Trend Analysis" screen provides an analysis of each month within a selected time frame (Paragraph 0213). This includes a "schedule variation maximum" showing the largest quantity of a specific part that has been forecast by the manufacturer to be delivered in each displayed time period as well as a "schedule variation minimum" for the smallest such quantity (Paragraph 0213). Applicants respectfully assert that the rejection is reading the trend analysis (including the cumulative consumption of parts), as disclosed by Lindoefer (Paragraphs 0122 and 0231), on Applicants' claimed automatically detecting usage of parts, as claimed in Claim 1. Further, Applicants respectfully assert that the rejection is reading forecasted usage of parts, as disclosed by Lindoefer (Paragraph 0213), on Applicants' claimed automatic detection, as claimed in Claim 1. Applicants respectfully disagree.

Applicants respectfully assert that while Applicants claim "automatically detecting individual real-time usage of parts on a product line with at least one parts consumption detector, wherein the detection occurs at the time of individual part usage," as claimed in Claim 1, Lindoefer instead discloses the analysis of a trend to determine a forecasted maximum or minimum quantity of parts for delivery to a particular manufacturer. The analysis of past parts usage to determine forecasted usage for upcoming periods of time to determine delivery requirements fails to teach or suggest "automatically detecting individual real-time usage of parts on a product line with at least one parts consumption detector," as claimed in Claim 1. In other words, where

Applicants claim "automatically detecting individual real-time usage of parts," as claimed in Claim 1, Lindoerfer discloses the analysis, processing, and forecasting of parts usage figures, but does not teach or suggest detecting that usage in real-time.

Applicants respectfully assert and the rejection agrees that Lindoerfer does not teach or suggest "automatically triggering, by a processor, a part pull request signal as a function of the detected usage by the at least one parts consumption detector," as claimed in Claim 1. The rejection attempts to remedy the deficiencies of Lindoerfer with Aram. As understood by Applicants, the rejection is reading the demand pull system (e.g., a signal sent to a parts supplier when a kanban container is emptied) of Aram (Paragraph 0003), on Applicants' claimed automatic triggering of a part pull request signal as a function of the detected usage by the at least one parts consumption detector, as claimed in Claim 1. Applicants respectfully disagree.

Applicants have amended Claim 1 to claim "automatically triggering by a processor a part pull request signal as a function of detected usage of individual parts by the at least one parts consumption detector, wherein the part pull request signal is triggered after detected usage of a predetermined number of individually detected parts," as claimed in amended Claim 1. Where Applicants claim automatically triggering a part pull request signal as a function of detected usage of individual parts, wherein the part pull request signal is triggered after detected usage of a predetermined number of individually detected parts, as claimed in amended Claim 1, Aram discloses that the electronic data interchange signal is only sent when the kanban container is emptied. In

other words, rather than the individual usage of parts triggering a part pull request signal after detected usage of a predetermined number of individually detected parts, as claimed in Claim 1, Aram discloses that the signal is sent after a kanban container (or batch of parts) is emptied, regardless of the number of parts the kanban container contained. In other words, it is not the number of parts used that triggers the signal, as claimed in amended Claim 1, it is the emptying of a kanban container, as disclosed by Aram.

Applicants respectfully assert and the rejection agrees that neither Lindoerfer nor Aram teach or suggest that detection occurs at the time of part usage, or the detection of individual parts, as claimed in Claim 1. The rejection attempts to remedy the deficiencies of the cited combination of Lindoerfer and Aram with Burnard. As understood by Applicants, the rejection is reading the acknowledgement of the consumption of parts, as disclosed by Burnard (Column 3, lines 10-50), on Applicants' claimed "automatically detecting individual real-time usage of parts," as claimed in Claim 1. Applicants respectfully disagree.

Where Applicants claim automatically detecting individual real-time usage of parts by the at least one parts consumption detector, as claimed in Claim 1, Burnard discloses that the use of the part on the assembly line is acknowledged by a material tracking device (using a bar code reader or a push-button). In other words, where Applicants claim automatic detection of real-time parts usage, Burnard only discloses the acknowledgement of the use of a certain quantity of parts through the use of a material inventor card or push-button that is scanned or depressed, respectively, after the quantity

is used. Applicants respectfully assert that acknowledgement of a certain quantity, as disclosed by Burnard, is not the same as individual real-time detection, as claimed in amended Claim 1. Further, even assuming arguendo that the acknowledgement of Burnard is detection, Applicants respectfully assert that the acknowledgement of Burnard is not automatic, but must be manually performed. Further, since the acknowledgement of Burnard must be manually triggered, it is also not real-time, but must wait for the action of an operator.

Therefore, Applicants respectfully assert that Claim 1 is not rendered obvious by the combination of Lindoerfer, Aram, and Burnard. Accordingly, Applicants respectfully assert that dependent Claims 2-3 and 5-9 are patentable by virtue of their dependency on patentable independent Claim 1, as well as for their additional recited patentable features.

Claim 4:

For at least the same or similar reasons as stated above, Claim 1 is patentable over the combination of Lindoerfer, Aram, and Burnard. Applicants respectfully assert that Kureshy does not cure the deficiencies of Lindoerfer, Aram, and Burnard. Therefore, Applicants respectfully assert that dependent Claim 4 is patentable by virtue of its dependency on allowable base claim 1, as well as for its additional recited patentable features.

Claim 11:

Independent Claim 11 recites features similar to that of independent Claim 1 and is therefore patentable for at least the same or similar reasons as recited above.

Accordingly, Applicants respectfully assert that dependent Claims 12-19 are patentable by virtue of their dependency on patentable independent Claim 11, as well as for their additional recited patentable features.

Claim 20:

Independent Claim 20 recites features similar to that of independent Claims 1 and is therefore patentable for at least the same or similar reasons as recited above.

For the above reasons, Applicants request reconsideration and withdrawal of the rejections under 35 U.S.C. §103.

CONCLUSION

In light of the above listed remarks, reconsideration of rejected Claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-9 and 11-20 overcome the rejections of record and, therefore, allowance of Claims 1-9 and 11-20 is earnestly solicited.

Please charge any additional fees that may be required to maintain pendency of the present application, or apply any credits to our PTO deposit account number: 50-4160.

Respectfully submitted,

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